

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

Portland Pilots, Inc. and Sprague)	
Operating Resources, LLC)	
Plaintiffs)	
)	
v.)	2:15-CV-00442-dbh
)	
M/V Nova Star (IMO # 9462067),)	
her engines, boilers, tackle,)	
appurtenances, electronics, etc.,)	
In Rem,)	
Defendant)	

**MOTION FOR AN ORDER DIRECTING ISSUANCE OF WARRANT *IN REM* FOR
ARREST OF DEFENDANT VESSEL**

NOW COMES, Intervening Plaintiff, Sprague Operating Resources, LLC (“Sprague”), by its undersigned counsel, and moves pursuant to Rule C of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions (“Supplemental Rules”) for an *ex parte* order directing the Clerk of Court to issue a warrant for the arrest of the defendant, M/V NOVA STAR (IMO # 9462067) her engines, tackle equipment, appurtenances, etc. (the “Vessel”), and avers as follows:

1) On October 30, 2015, Plaintiff, Portland Pilots, Inc., filed a Verified Complaint against the Defendant, M/V Nova Star, her engines, tackle equipment, appurtenances, etc. (“Vessel”), and a Motion for Issuance of Warrant of Maritime Arrest seeking to enforce alleged maritime lien rights against the Vessel and the issuance of a warrant for arrest of the Vessel. Docket Nos. 1 & 4.

2) On October 30, 2015, this Court issued an Order for Issuance of Warrant for Maritime Arrest of M/V NOVA STAR (IMO #9462067), pursuant to which the Clerk issued a Warrant for Arrest of the Vessel. Docket No. 7 & 12.

3) On October 30, 2015, the United States Marshals Service for the District of Maine served the Vessel with the Warrant for Arrest of the Vessel, and placed the Vessel into the custody of the Court appointed substitute custodian, National Maritime Services, Inc. Docket No. 24.

4) On November 1, 2015, World Fuel Services, Inc. moved to intervene in this action alleging that it “also has a maritime lien against the vessel because it provided necessities to the vessel in the form of fuel oil.” Docket No. 13. In addition, on November 4, 2015, Brown Ship Services also moved to intervene in this action alleging that it also has a maritime lien for necessities against the vessel. Docket No. 20. Upon information and belief, this Court has yet to rule on World Fuel Services, Inc.’s or Brown Ship Services motions to intervene.

5) As set forth in Sprague’s Proposed Verified Complaint-in-Intervention, upon the order of persons authorized by the owner of the Vessel, Sprague provided bunkers to the Vessel in Portland, Maine on June 16, 2015 and July 2, 2015. In addition, the Vessel, and those with authority to bind the Vessel, facilitated and accepted the bunkers in Portland, Maine on June 16, 2015 and July 2, 2015. Despite this, Sprague has yet to receive any payment in connection with its provision of bunkers.

6) By reasoning of the foregoing, Sprague holds valid maritime liens for necessities against the Vessel pursuant to the Commercial Instruments and Maritime Lien Act, 46 U.S.C. §§ 31341-31343 and the general maritime law.

7) If Sprague is properly allowed to intervene in this action, it will file its Verified Complaint.

8) When a verified complaint is filed to enforce a maritime lien:

The court must review the complaint and any supporting papers. If the conditions for an in rem action appear to exist, the court must issue an

order directing the clerk to issue a warrant for the arrest of the vessel or other property that is the subject of the action.

Supplemental Rule C(3)(a)(i).

9) The conditions of for an *in rem* action having been met, Plaintiff respectfully requests that an Order be entered directing the Clerk of Court to issue an *in rem* warrant for the arrest of the Vessel.

10) In accordance with the Rule (k) of the Administrative Procedures Governing the Filing and Service by Electronic Means, A proposed Order allowing issuance of the warrant *in rem* and a Warrant *In Rem* will be emails to the Clerk of Court upon request.

Dated: November 5, 2015

Respectfully submitted,

/s/ Michael J. Daly

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*Attorneys for Intervening Plaintiff's Sprague
Operating Resources, LLC*

CERTIFICATE OF SERVICE

I hereby certify that on November 5, 2015, I electronically filed the above documents by using the CM/ECF system which will send notification of such filing(s) to all registered participants.

Dated: November 5, 2015

/s/ Michael J. Daly
Michael J. Daly